

# South Carolina Department of Disabilities and Special Needs INDICATORS FOR LICENSING REVIEWS- DAY SERVICES

Effective July 1, 2009

Revised: Effective July 1, 2010

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**Revised/Effective Date: July 1, 2020**

South Carolina Code Ann. § 44-20-710 (Supp. 2014), authorizes DDSN to license day facilities for children and/or adults. The Code states:

*"No day program in part or in full for the care, training, or treatment of a person with intellectual disability, a related disability, head injury, or spinal cord injury may deliver services unless a license first is obtained from the department. For the purpose of this article "in part" means a program operating for ten hours a week or more. Educational and training services offered under the sponsorship and direction of school districts and other state agencies are not required to be licensed under this article."*

DDSN is authorized to establish minimum standards of operation and license programs as Adult Activity Centers; Work Activity Centers; and Unclassified Programs which are defined as follows:

- **Adult Activity Center:** A goal-oriented program of developmental, prevocational services designed to develop, maintain, increase or maximize an individual's functioning in activities of daily living, physical growth, emotional stability, socialization, communication, and vocational skills. The minimum participant/staff ratio for an Adult Activity Center is 7:1;
- **Work Activity Center:** A workshop having an identifiable program designed to provide therapeutic activities for intellectually/developmentally disabled workers whose physical or mental impairment is so severe as to interfere with normal productive capacity. Work or production is not the main purpose of the program; however, the development of work skills is its main purpose. The program must have a certificate from the United States Department of Labor designating it as a Work Activity Program when applicable. The minimum participant/staff ratio for a Work Activity Center is 7:1.
- **Unclassified Program:** A program that provides a beneficial service and observes appropriate standards to safeguard the health and safety of individuals, staff and the public. The minimum participant/staff ratio is 10:1.

A license will only be issued to programs which are in compliance with the standards noted in this document. A license may be issued for new programs or those found to be out of compliance upon receipt of an acceptable plan of correction for eliminating deficiencies identified in the official licensing survey. The plan must show that the deficiency will be corrected within a 30-day period. An extension may be granted for another 30 days when requested in writing and good cause shown. A license will be effective for up to a 12-month period, beginning with the date of issuance. DDSN will make a determination of which license to issue based on the services to be rendered through the facility. DDSN Directive 104-01-DD: DDSN Certification and Licensure of Residential and Day Facilities, explains the process for becoming licensed.

## Definitions

Program:	Adult Activity Center, Work Activity Center, or Unclassified Program.
Service:	Support Center, Day Activity, Career Preparation, Employment Services, or Community Service.
Participant:	The individual with a disability who receives services through the program.

Standard		Guidance
1	Each program must be operated in accordance with applicable state and federal laws.	
2	There will be at least the following minimum participant/staff ratio for each program: <ul style="list-style-type: none"> <li>Adult Activity Center - 7:1;</li> <li>Work Activity Center - 7:1;</li> <li>Unclassified Program - 10:1.</li> </ul>	Note: This ratio is applicable to the entire program and staff who are not responsible for direct participant support may be included in this ratio.
3	A designated responsible staff member must be present and in charge at all times a participant is present. The staff member left in charge must know how to contact the director at all times.	
4	Supervision shall be provided in accordance with each person's service plan and need.	Please refer to DDSN Directive 510-01-DD: Supervision of People Receiving Services.
5	Each program shall have provisions for alternate coverage for staff members who are ill. Such policies shall require staff members with acute communicable disease, including respiratory infection, gastro-intestinal infection, and skin rash, to absent themselves during the acute phase of illness.	
6	A minimum participant/staff ratio of 10:1 must be maintained in each classroom, or program area, etc. at all times.	When determining staffing patterns within a program and within a classroom, workshop, program area, etc., the supervision needs of each participant must be considered including their need for "independent functioning" as defined in Standard #4.
7	When licensed as an Adult Activity Center, participants will be at least 18 years of age.	
8	When licensed as an Unclassified Program, participants will be at least 12-years of age.	
9	When licensed as an Unclassified Program, participants under age 18 are served in a program area apart/separated from adult participants.	
10	Each facility shall provide a minimum of 50 square feet of program space per participant.	Per participant present in the facility.
11	The provider demonstrates agency-wide use of Therap for the maintenance of Day Service documentation, according to the implementation schedule approved by SCDDSN.	
12	Each facility shall afford each participant adequate space for privacy including toileting facilities with securable stalls appropriate per gender.	Refer to: 42 CFR§441.301(c)(5)
13	Each facility shall afford each participant adequate space for privacy including but not limited to personal care and /or treatment areas.	Refer to: 42 CFR§441.301(c)(5)
14	Each facility shall afford each participant adequate space for privacy including but not limited to lockable storage for participant's personal belongings.	Refer to: 42 CFR§441.301(c)(5)
15	For facilities initially licensed on or after July 1, 2019, the setting must be free from qualities that may be presumed institutional.	Facilities that may have qualities that may be presumed to be institutional include: <ul style="list-style-type: none"> <li>Facilities in a publicly or privately-owned inpatient treatment facility; and</li> <li>Facilities on the grounds of or adjacent to a public institution.</li> </ul> Refer to: 42 CFR§441.301(c)(4)(i-v)
16	For facilities initially licensed on or after July 1, 2019, the setting must be free from characteristics that have the effect of discouraging integration of participants from the broader community.	Facilities that may have characteristics that have the effect of discouraging integration from the broader community include, but may not be limited to: <ul style="list-style-type: none"> <li>Settings completely enclosed by walls or fences with locked gates;</li> <li>An additional setting added to an existing cluster (i.e., 2 or more) of DDSN-licensed residential or day settings.</li> </ul> Refer to: 42 CFR§441.301(c)(4)(i-v)
17	Programs must be free from obvious hazards.	The focus is on identifying potential threats to the health, safety or welfare of program participants and barriers to participation. The threat should be realistic; citations should not be issued for
18	Programs must be clean.	The focus is on identifying potential threats to the health, safety or welfare of program participants and barriers to participation. The threat should be realistic; citations should not be issued for superficial, cosmetic or aesthetic shortcomings.
19	Programs must be free of litter/rubbish.	The focus is on identifying potential threats to the health, safety or welfare of program participants and barriers to participation. The threat should be realistic; citations should not be issued for superficial, cosmetic or aesthetic shortcomings.
20	Programs must be free of offensive odors.	The focus is on identifying potential threats to the health, safety or welfare of program participants and barriers to participation. The threat should be realistic; citations should not be issued for superficial, cosmetic or aesthetic shortcomings.
21	Programs must have equipment in good working order.	The focus is on identifying potential threats to the health, safety or welfare of program participants and barriers to participation. The threat should be realistic; citations should not be issued for superficial, cosmetic or aesthetic shortcomings.
22	Programs must be accessible to participants and staff.	The focus is on identifying potential threats to the health, safety or welfare of program participants and barriers to participation. The threat should be realistic; citations should not be issued for superficial, cosmetic or aesthetic shortcomings.

Standard	Guidance
23 Hot water temperature in the program area accessible to participants must never be more than 110 degrees Fahrenheit.	
<p>24 The facility will meet the regulations of the appropriate standards for fire safety as set forth by the South Carolina Fire Marshal codes. Report of an approved fire safety inspection completed the Office of State Fire Marshal shall be maintained in the facility's records.</p> <p>There must be evidence of corrective action taken no later than 24 hours after the citation for any of the following:</p> <ol style="list-style-type: none"> <li>1. Failure to maintain working smoke alarms.</li> <li>2. Failure to maintain clear path of egress.</li> <li>3. Combustibles inappropriately stored.</li> <li>4. Failure to ensure that windows and doors are fully operable by ambulatory residents without the use of special tools.</li> <li>5. Security devices (double-keyed locks) affecting means of egress are in use.</li> <li>6. Failure to maintain emergency lighting, when installed.</li> </ol> <p>Failure to maintain documentation of fire drills in an accessible location for review.</p>	<p>See fire code requirements at:  <a href="http://scfiremarshal.lironline.com/INSPECT/index.asp?file=main.htm">http://scfiremarshal.lironline.com/INSPECT/index.asp?file=main.htm</a></p> <p>Fire Safety Inspections, when required, must be made by a Fire Marshal employed by the State Fire Marshal's office.</p> <p>Initial fees for this service and annual fire inspections are pre-paid by DDSN, but inspections must be requested. Inspection requests are completed using the following link:  <a href="https://firemarshal.lironline.com/Fire/appLogin.asp">https://firemarshal.lironline.com/Fire/appLogin.asp</a></p> <p>Providers must request the inspection with sufficient notice to schedule the annual inspection prior to the prior expiration date. If requests are submitted by the 15th of the month, the inspection will take place by the end of the following month.</p> <p>A copy of the most recent inspection report must be present on-site and available for review by DDSN and/or its licensing contractor.</p> <p>Sites that have fire sprinkler systems must be inspected in accordance with NVPA25 standards and DHEC requirements.</p> <p>To maintain certification: monthly, quarterly, semi-annual, annual and five (5) year inspections must be completed. All the inspections can be handled by day staff or maintenance staff, EXCEPT for the five (5) year inspection which must be performed by a certified sprinkler contractor. Documentation of all inspections must be maintained by the provider.</p>
25 The provider shall formulate and post in each room and work area, in a place clearly visible, a diagrammatic plan for evacuation of the building in case of disaster.	
26 All employees shall be instructed and kept informed regarding their duties under the plan.	
27 The center shall hold fire/disaster* drills at least once each quarter. Each drill conducted shall be recorded as to time, date of drill, number of those participating, and the total time required for evacuation. The record shall be signed by the individual conducting the drill.	<p>*Fire drills will be held quarterly. Additionally, disaster drills will be held annually.</p> <p>A copy of documentation from the prior 12 months must be present on-site and available for review by DDSN and/or its licensing contractor.</p>
28 Passageways shall be free of obstructions at all times.	Immediate corrective action required when the obstruction prevents egress.
29 All staff shall be instructed in the proper use of fire extinguishers as documented in reports.	
30 The use of electrical extension cords is prohibited.	Immediate corrective action required when cited.
31 Programs serving individuals who are hearing impaired will develop a fire alarm system to assure the clients are alerted to the danger of fire.	
32 A safety check on electrical systems shall be made by a licensed/certified electrician/contractor and a written report kept on file at the facility at all times. A new inspection shall be made after any expansion, repair, renovation, or the addition of any major electrical appliances or equipment.	<p>Sites that have emergency generators must perform complete and thorough inspections of them. Routine service by a qualified contractor is encouraged to ensure that generators are maintained in good operating condition. Service contracts generally include semi-annual and/or annual inspections. Providers must perform monthly checks of the generators. Documentation of all checks must be maintained by the provider. See DDSN Directive 300-03-DD: Annual Certification of Electrical, Mechanical, Fire Alarm and Sprinkler Systems for Renewal of Licensure, for sample forms which may be used to conduct monthly inspections. A copy of the most recent inspection must be present on-site and available for review by DDSN and/or its licensing contractor.</p>
33 All staff shall be knowledgeable of utility cut-offs throughout the facility.	
34 The heating system shall be approved annually by a licensed/certified HVAC contractor and the report maintained on file at the facility. Floor furnaces shall have adequate protective coverings or guards to insure that individuals coming into contact with them shall not be burned. If space heaters are used, they shall be vented properly and screens or other protective devices shall be provided to prevent individuals from coming into contact with heaters.	
35 All cleaning equipment supplies, insecticides, etc., shall be in a locked cabinet or located in an area not accessible to unauthorized individuals.	
36 Furniture, equipment, and training materials shall be appropriate to the ages of the individuals in the program; shall be sturdily constructed without sharp edges; shall not be covered with toxic paint; and shall present minimal hazards to individuals.	
37 Stationary outdoor equipment shall be firmly anchored.	

Standard		Guidance
38	When providing Support Center Services, the area in which services are provided must have comfortable accommodations and materials for activities that are appropriate for the individuals who receive the service.	
39	The use of tools and equipment shall be supervised by staff.	Supervision will be provided in accordance with the individual's assessed need. As appropriate, independent use of equipment will be allowed.
40	In the presence of unusual hazards arising from certain work operations, appropriate safety precautions shall be taken to insure the protection of those present.	
41	Equipment and Materials for Learning, Recreational Experiences--Indoor and outdoor equipment and materials shall be provided in sufficient quantity and variety to meet the developmental need of the participants. The equipment will be age appropriate for the participants who use it.	
42	If the facility operates a transportation system, vehicles used for the transportation of participants shall ensure safety for the passengers.	This standard relates to passenger safety generally and should capture any factors that do not fall specifically under any of the related standards (43-47). For example, a vehicle accident where the staff driving was at fault, and for which the cause of the accident cannot be attributed to non-compliance with any of standards 43-47, would result in this standard being not met.
43	Vehicles shall be inspected daily, using a checklist. The driver shall sign a report which indicates that he/she has checked the lights, brakes, horn, wipers and tires.	
44	Maintenance of vehicles shall be recorded and updated, as recommended by the manufacturer and/or contract for vehicle use.	
45	Each passenger shall have adequate seating space and shall use a seat belt or restraint system approved by the Highway Traffic Safety Administration Standards which is appropriate for his/her age while being transported.	
46	Each vehicle will have: <ul style="list-style-type: none"> <li>• First aid kit which is replenished after each use and checked monthly for completeness;</li> <li>• Fire extinguisher which is in good working order and securely fastened in a manner which is easily accessible to the driver.</li> </ul>	
47	Vehicle operators and all staff who transport individuals shall be licensed drivers and shall complete and have a current defensive driving course certificate prior to transporting individuals, which is on file with the provider.	This standard is applicable to all staff who appear as drivers on vehicle logs. Staff who do not operate vehicles are not subject to these requirements.
48	Medication to be administered shall be stored in a locked cabinet not accessible to unauthorized individuals.	
49	Prescribed medication shall be kept in the original containers bearing the pharmacy label which shows drug name, the prescription number, date filled, physician's name, directions for use, and the patient's name.	
50	Written authorization to administer any medication must be given.	<p>If the participant is over age 18 and has not been adjudicated incompetent, he/she is considered his/her own guardian and therefore may authorize the administration of his/her medications. If a non-adjudicated adult is unable to authorize, authorization may be given by a parent/representative or surrogate. For those under age 18 or those adults who have been adjudicated incompetent, authorization must be given by parents or guardian.</p> <p>For ICF/IID residents, medications must be given in accordance with applicable ICF/IID regulations and standards.</p>
51	Medications must be safely and accurately given.	<p>Medications given to ICF/IID residents must be given in accordance with applicable ICF/IID Standards.</p> <p>The medication has not expired;</p> <p>There are no contraindications (i.e., no allergy for the drug); and</p> <p>The medication was administered at the proper time, prescribed dosage, and correct route. See DDSN Directive 603-13-DD: Medication Technician Certification.</p>
52	Employees supervising the taking of medication will document that medication was taken by the participant as authorized by parents or guardian.	<p>For participants not independent in taking their own medication/treatments, a medication/treatment log must be maintained to denote:</p> <ol style="list-style-type: none"> <li>The name of medication or type of treatment given;</li> <li>The current physician's order (and purpose) for the medication and/or treatment or authorization from the responsible party;</li> <li>The name of individual giving the medication;</li> <li>Time given; and</li> <li>Dosage given.</li> </ol> <p>The medication log must be reviewed at a minimum, monthly. If the reviews indicate error, actions must be taken to alleviate future errors. Entries must be made at the time the medication/treatment was given. Medication includes over-the-counter medications.</p>

Standard		Guidance
53	Outdated medications and discontinued medications are disposed of per provider policy.	
54	A first aid kit shall be maintained at each program site.	First Aid Kit is a collection of supplies which includes: mild hand soap or hand sanitizer liquid; cotton tipped applicators; gauze bandages, one (1) and two (2) inch widths; sterile gauze, three (3) inch by three (3) inch; band-aids; adhesive tape; scissors; disinfectant; and thermometer.
55	Each program will have a current activity schedule posted. The schedule will reflect the hours the facility is open and the hours the program offers supervised services. The schedule must reflect the scheduled activities of the day.	The schedule should reflect the hours the facility is open. If supervised services (e.g., second shift enclave) are offered, the schedule may reflect those times specifically, or may reflect that supervised services may be available as needed. A specific schedule for activities is not required, but instead the activity choices available should be listed.
56	Restraints are documented as a GER in Therap and reported according to DDSN Directive 600-05-DD. If an emergency restraint is required, or if an injury occurs during a restraint, a Critical Incident must also be submitted via IMS.	Determine whether DDSN reporting procedures for the use of restraints have been followed. A GER for restraint must be entered into Therap. When an approved BSP includes a planned restraint, a copy of the BSP and any amendments to the BSP must be provided to DDSN. After October 1, 2017, when a new BSP which includes the use of a planned restraint procedures (mechanical or manual) is approved for use or when any existing BSP is amended and approved to add planned restraint procedures, the BSPs must be submitted to DDSN within 20 days of approval. Copies of the BSPs and amendments must be submitted to DDSN via Therap's S-Comm system. Actual restraint use must be documented in a GER and also reported to DDSN on a quarterly basis. Source: Directives 567-04-DD and 600-05-DD, GER Requirements for DDSN providers
57	Documentation verifies that the Behavior Supports Provider and Human Rights Committee were informed of each use of a restraint, whether previously approved or implemented as an emergency, including less restrictive methods of behavior support that were attempted prior to restraint.	This documentation may be maintained in the person's record at the home or uploaded in Therap. Source: South Carolina Code Ann. 44-26-160 and DDSN Directive 600-05-DD.

## **South Carolina Department of Disabilities and Special Needs Standards for Licensing Day Facilities: Reference Documents**

Please refer to DDSN's Web site [www.ddsn.sc.gov](http://www.ddsn.sc.gov) to view any of the below directives.

100-04-DD Use of Adaptive Behavior Scales

100-09-DD Critical Incident Reporting

100-12-DD AIDS Policy

100-17-DD Family Involvement

100-25-DD Disaster Preparedness Plan for DDSN and Other DDSN Providers of Services to Persons with Disabilities and Special Needs

100-26-DD Risk Management Program

100-28-DD Quality Management

100-29-DD Medication Error/ Event Reporting

101-02-DD Preventing and Responding to Suicidal Behavior

104-01-DD Certification and Licensure of Residential and Day Facilities and New Requirements for DHEC Licensed CRCF's

167-01-DD Appeal Procedure For Licensed Programs Serving Persons with Intellectual Disability

167-06-DD Confidentiality of Personal Information

250-08-DD Procurement Requirements for Local DSN Boards and Contracted Service Providers

368-01-DD Individual Service Delivery Records Management

503-01-DD Individuals Involved with Criminal Justice System

505-02-DD Death or Impending Death of Persons Receiving Services from DDSN

510-01-DD Supervision of People Receiving Services

534-02-DD Procedures for Preventing and Reporting Abuse, Neglect, or Exploitation of People Receiving Services from DDSN or a Contract Provider Agency

535-07-DD Obtaining Consent for Minors and Adults

535-08-DD Concerns of People Receiving Services: Reporting and Resolution

535-10-DD National Voter Registration Act (Motor Voter)

535-11-DD Appeal and Reconsideration Policy and Procedures

535-12-DD Advance Directives

536-01-DD Social-Sexual Development

567-01-DD Employee Orientation, Pre-service and Annual Training Requirements

600-05-DD Behavior Support, Psychotropic Medications, and Prohibited Practices

603-01-DD Tardive Dyskinesia Monitoring

603-06-DD Guidelines for Screening for Tuberculosis

603-13-DD Medication Technician Certification

604-04-DD Standard First Aid with Cardiopulmonary Resuscitation (CPR)

700-02-DD Compliance with Title VI of the Civil Rights Act of 1964, American's with Disabilities Act of 1990, Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1975 and Establishment of a Complaint Process